IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FOURTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 4214 of 2005

Between:

1 Bayapalli Kusuma Kumari W/o Babu Rao
R/o Madhuravada Villgage, Visakhapatnam Rural Mandal, Visakhapatnam District
2 Bayapalli Babu Rao S/o Krishna Rao
R/o Madhuravada Villgage, Visakhapatnam Rural Mandal, Visakhapatnam District

..... PETITIONERS

AND

1 The District Collector, Visakhapatnam, Viskahapatnam District.
2 The Mandal Revenue Officer, Visakhapatnam Rural Mandal, Visakhapatnam District.
3 The Panchayat Secretary, Madhuravada, Visakhapatnam District

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more particularly one in the Nature of Writ Mandamus declaring the action of the respondents in proposing to widen the road leading from Nagarappalem Village to national Highway No.5 thereby effecting the petitioners' land in Sy. No. 5/1 of Maduravada Village of Visakhapatnam Rural Mandal, Visakhapatnam District and directing the petitioners' to vacate the land, without initiating proceedings for payment of compensation as illegal and arbitrary and consequently direct the respondents to refrain from taking possession of the petitioners' land unless appropriate proceedings are initiated and compensation paid to the petitioners.

Counsel for the Petitioners:MR.P.ROY REDDY

Counsel for the Respondent Nos.1 to 3: GP FOR REVENUE

The Court at the stage of admission made the following :

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ORDER:

This writ petition is filed seeking a declaration that the action of the respondents in proposing to widen the road leading from Nagarappalem village to National High Way No.5 thereby affecting the land of the petitioner situated in S.No.51/1, of Maduravada village of Visakhapatnam Mandal and District is arbitrary and illegal.

The petitioners contend that the respondents are not justified in seeking to dispossess them from the land in question without initiating proceedings either under the Land Acquisition Act or any other relevant statute and without paying any compensation to them.

Having heard learned counsel for the petitioners and the learned Government Pleader for Revenue appearing for the respondents, I am of the view that it is always open to the respondents to take necessary steps for the formation of the road. However, it is necessary for them to follow due process of law.

Accordingly, the writ petition is disposed of with a direction to the respondents not to dispossess the petitioners from the land in question without following due process of law. No costs.

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04.03.2005

Note : Furnish C.C by tomorrow.

(B/O)

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To

1 The District Collector, Visakhapatnam, Viskahapatnam District.
2 The Mandal Revenue Officer, Visakhapatnam Rural Mandal, Visakhapatnam District.
3 The Panchayat Secretary, Madhuravada, Visakhapatnam District

4 Two C.Cs to the G.P. for Revenue, High Court Buildings, Hyderabad (OUT).
5 2 CD copies